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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,974

12/29/2003

Theodis Johnson

H0006157--1622

8826

128 7590 06/10/2008  
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EXAMINER

ROJAS, BERNARD

ART UNIT

PAPER NUMBER

2832

MAIL DATE

DELIVERY MODE

06/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/748,974

**Applicant(s)**

JOHNSON ET AL.

**Examiner**

BERNARD ROJAS

**Art Unit**

2832

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 07112005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Embodiment 2, claims 1-20, in the reply filed on 12/12/2007 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller [US 4,324,981].

Claim 7, Miller discloses a system for moving a shuttle between spaced-apart, first and second opposed bi-stable positions, comprising: one or more sensors [58, 58'] for determining whether the shuttle is in the first or second bi-stable position; an assembly for providing an attractive magnetic force thereby forming a magnetic latch that releasably holds the shuttle in either the, first or second bi-stable position [figure 3, col. 5 lines 39 to col. 6 line 10]; a first coil magnetically coupled to a portion of the assembly, wherein when the coil is provided with a sufficient current pulse, it generates a magnetic field that temporarily overcomes the attractive magnetic force forming the magnetic latch, thereby causing the magnetic latch to release [first set of windings 72, col. 6 lines 24 to 44]; a controller [abs] electrically coupled to the one or more position

sensors and to the first coil and having an external input, wherein the controller receives shuttle position data from the one or more sensors and a position change command via the external input, then if the commanded position is different than the current shuttle position, the controller supplies the sufficient current pulse to the first coil thereby causing the magnetic latch to release so that the shuttle transits to the opposite bi-stable position [operation of the light response load controller, abs].

Claim 8, Miller discloses the system of claim 7 further comprising a second coil, the second coil electrically coupled to the controller, and further comprising an armature coupled to the shuttle and engaging the second coil, wherein the armature is activated by the second coil to place the shuttle in one of its first or second bi-stable states in response to one or more current pulses delivered by the controller to the second coil [second set of windings 74, col. 6 lines 24-44].

Claims 10, 12-16 are inherent in the product structure as described for claims 7 and 8 previously.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller [US 4,324,981] in view of Bomya [US 6,586,926].

Claim 9, Miller discloses the claimed invention with the exception of using a sensor to monitor the health of the coil(s).

Bomya teaches using a sensor [10] to monitor the health of a coil [43, 54] in order to detect shorts or open conditions [col. 9 lines 47-55].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a sensor to test the coil(s) of Miller as shown by Bomya in order to ensure the proper operation of the device by testing the health of the coil in order to prevent malfunctions caused by an electrical short or an open condition.

Claims 11 is obvious in the product structure as described for claims 7 and 9 previously.

***Allowable Subject Matter***

Claims 1-6 and 17-120 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach nor suggest, in the claimed combination, a rapid insertion assembly with the claimed magnetic drive/latch configuration.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BERNARD ROJAS whose telephone number is (571)272-1998. The examiner can normally be reached on M and W-F, 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Br

Art Unit: 2837

/Bernard Rojas/

Examiner, Art Unit 2832

/Lincoln Donovan/

Supervisory Patent Examiner, Art Unit 2837